

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL BAEZ; FELIPA CRUZ; RD., ON BEHALF OF
HER MINOR CHILD, A.S.; on their own behalf and
on behalf of all others similarly situated;
UPPER MANHATTAN TOGETHER, INC.; and
SOUTH BRONX CHURCHES SPONSORING
COMMITTEE, INC.,

Plaintiffs,

vs.

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

13 Civ. 8916 (WHP)

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DECLARATION OF MARIA O. IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE STIPULATION AND ORDER

I, MARIA O., declare under penalty of perjury that the following is true and correct:

1. I make this declaration in support of Plaintiffs' motion to enforce the stipulation and order this Court approved on April 17, 2014.

2. I live in a New York City Housing Authority ("NYCHA") housing development in Manhattan. I am a tenant at 1695 Madison Ave, Apartment 4C, New York, New York 10029.

3. I have lived at 1695 Madison Ave, Apartment 4C since approximately 1980.

4. I was diagnosed with asthma in 2013. My doctor is Dr. Elliot. Dr. Elliot's office is located at 126th Street and Broadway.

5. My twenty-two-year-old son also lives in the apartment with me. He was diagnosed with asthma at around age seven. His doctor is Dr. Glassenberry at Mount Sinai Hospital.

6. Since approximately 2010, I have dealt with mold and excessive moisture problems in the bathroom in my apartment. Throughout this time, I have made numerous complaints to NYCHA about the mold and excessive moisture in my apartment. Photographs of the mold and excessive moisture problems in my apartment are attached to this declaration as Exhibit 1.

7. For months, the bathroom ceiling in my apartment has been covered with visible mold. There is a very strong moldy smell in the bathroom. This smell becomes worse when we take showers, and the mold exacerbates my and my son's asthma. We try to take quick showers because we experience shortness of breath when we are exposed to the mold.

8. My bathroom has no windows and a single vent. The vent does not work properly and is not clear of dust and dirt. Sometimes dirty water drips from the vent into the bathroom. Some of the grates in the vent have been painted shut by NYCHA maintenance workers.

9. My asthmatic son's bedroom also has excessive moisture damage. The wall near the window is cracked and crumbling. The paint in the bedroom is peeling.

10. A few years ago, the excessive moisture problem was so severe that a portion of the ceiling above my tub collapsed as a result of a leaking septic pipe from the upstairs toilet. The pipe would drip dirty septic water into the ceiling which seeped through and dripped into my bathroom. With the help of Little Sisters of the Assumption Family Health Service, a non-profit organization, I was able to get NYCHA to fix this leak and repair the crumbled ceiling. I no longer have the ticket number for this complaint.

11. By 2014, however, mold was growing again on my bathroom ceiling. In March 2014, I called the NYCHA Customer Care Hotline to complain about the mold and excessive

moisture in my apartment. The work order ticket number associated with this complaint is 28012485.

12. In the spring of 2014, a NYCHA-contracted painter came in response to my mold complaint. He told me that he could only paint over the mold in the bathroom and the excess moisture damage in my asthmatic son's bedroom, which is all he ended up doing. No NYCHA worker attempted to find the source of the mold and excessive moisture.

13. Within the last nine months, mold again began to grow on the ceiling and walls of the bathroom. The excessive moisture and mold have caused cracks in the walls, bubbling of the plaster, peeling paint, and mold stains.

14. In October 2014, I called NYCHA to request repairs because of the peeling paint and breaking floor tiles caused by excessive moisture and mold in my apartment. The work order ticket numbers associated with these complaints are 33507599 for the peeling paint and 33507580 for the broken tiles. A NYCHA maintenance worker came to my apartment on October 10, 2014 to verify these complaints.

15. After my complaints were verified, NYCHA provided new work order ticket numbers for the actual maintenance work. For the tile replacement, the work order ticket number is 3551960. Most of the tiles in the hallway were loose or completely separated from the cement floor because of the excessive moisture. Nearly all of the remaining tiles were broken. On April 20, 2015, nearly six months after my initial complaint, a NYCHA worker arrived at my apartment and installed new tiles in the kitchen and hallway.

16. After my complaint about peeling paint was verified, painting repair work was scheduled for February 19, 2015. The work order ticket number associated with the scheduled painting work is 33551641.

17. On February 3, 2015, I called NYCHA to request repairs for the mold on my bathroom ceiling. The NYCHA agent scheduled an appointment for February 18, 2015. The agent informed me that at this appointment a maintenance worker would visit my home to verify the complaint, but that no work would be done during the visit. According to the NYCHA agent, if my complaint was verified, NYCHA would issue a new work order for completion of any repairs. The work order ticket number associated with the “verification” visit is 33507580.

18. On February 18, 2015, no worker showed up to complete the so-called “verification” in response to my mold and excessive moisture complaint of February 3, 2015.

19. On February 19, 2015, no worker showed up to complete work in response to my peeling paint complaint from October 2014.

20. On February 19, 2015, I called NYCHA to ask about the appointments that NYCHA missed. The NYCHA Customer Care Representative told me that both of the relevant work order ticket numbers appeared as “closed” in the system. The Customer Care Representative also told me that the system did not list any reason why the tickets were closed. Because NYCHA closed my previous tickets, I made a new complaint for the mold and excessive moisture in my bathroom, which created a new work order ticket number of 35841089 and a new scheduled appointment for March 4, 2015.

21. On March 4, 2015, a NYCHA worker arrived at my apartment in response to my mold complaint. Instead of determining the source of the mold and excess moisture, the NYCHA worker sprayed the ceiling with a liquid that smelled like bleach. The NYCHA worker told me he would be back in an hour after he had “let it sit.” The worker returned a few hours later that day and painted over the mold.

22. On March 6, 2015, NYCHA conducted a follow-up visit to inspect the bathroom. My son let the NYCHA worker into the apartment. NYCHA then closed the ticket associated with the March 4, 2015 repair even though all the NYCHA worker had done when making that “repair” was to spray the ceiling with a liquid cleaner and paint over it. NYCHA had done nothing to assess the underlying cause of the mold.

23. A few days later, during the week of March 9, 2015, the maintenance supervisor of my development, who I believe is named Kevin, came to my apartment to “inspect” the bathroom. I let him in, and he said that the work was “not done correctly.” He told me he would send another worker back to the apartment.

24. On March 16 or March 17, 2015, a NYCHA-contracted worker arrived at my apartment to paint the bathroom. Again, this worker painted over the mold. The NYCHA worker did not assess the underlying cause of the mold.

25. On March 20, 2015, Kevin returned to inspect the bathroom. He told me that he was satisfied with the work, despite the fact that in response to my complaint, no worker ever assessed or fixed the source of the mold.

26. While the recent painting in my apartment has covered up the mold for now, I worry that the mold and excessive moisture problem may return as it has done in the past and that it will continue to pose a hazard to my family and me.

4-22-15

Date

Maria O.

Maria O.